

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 30, 2002

DIVISION ONE

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B145119 Alvarez (Not for Publication)
v.
Gramercy Escrow Corporation

The judgment and orders are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B154067 People (Not for Publication)
v.
Manzanares

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rico, J. (Assigned)

DIVISION ONE (Continued)

B153448 People (Not for Publication)
v.
Manzanares

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rico, J. (Assigned)

B157775 Qui tam plaintiff Nora Armental et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(James Jones Co., et al., r.p.i.)

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue forthwith commanding the superior court to set aside its order of March 27, 2002, permitting real parties in interest to use for any and all purposes the LADWP expert information provided to them pursuant to the court's October 31, 2001 order. The court is directed to enter a new and different order prohibiting real parties in interest from contacting, interviewing or retaining Exponent, Inc. or Rothenberg and prohibiting real parties from using for any purpose the expert data or reports of Maas or any expert materials derived from those reports or data unless and until petitioners designate Maas to testify as an expert witness. Petitioners are to recover costs.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B158462 Los Angeles County, D.C. F.S. (Not for Publication)
v.
Maria V.

The petition is denied.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B154766 People (Not for Publication)
v.
Troy Isaac

The trial court is ordered to modify the judgment to provide a parole revocation fine of \$200 under Penal Code section 1202.45, to amend the abstract of judgment to reflect this modification, and to forward a copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B156133 Los Angeles County, D.C. F.S. (Not for Publication)
v.
Maria O.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B150269 Morris (Not for Publication)
v.
Blank

The judgment is reversed. Plaintiff is to recover costs on appeal.

Spencer, P.J.

I concur: Mallano, J.
I concur in the judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B151118 People (Not for Publication)
v.
Doss

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B157515 City of Manhattan Beach (Not for Publication)
v.
Noble

The judgment is affirmed.

Mallano, J.

I concur: Vogel (Miriam A.), Acting P.J.
I dissent: Rico, J. (Assigned) (Opinion)

B149650 People (Not for Publication)
v.
Naranjo

The judgment is affirmed.

Mallano, J.

We concur: Vogel (Miriam A.), Acting P.J.
Rico, J. (Assigned)

B154731 People (Not for Publication)
v.
Andrew M.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

B148819 Mendenhall (Not for Publication)
 v.
 Garvey

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B155865 People (Not for Publication)
 v.
 Ayala

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B151342 Sharron Grant-Burton
 v.
 Covenant Care, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B150518 Ash (Not for Publication)
 v.
 Urban, et al.

The judgment is affirmed. Respondents shall receive costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B142066 Navarrette (Not for Publication)
 v.
 Telemundo Group, Inc., et al.

The order and judgments appealed from are affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B150910 McMahon
 v.
 Rosenman

Filed order denying petition for rehearing.

B143173 National Advanced Endoscopy Devices, Inc.
 v.
 Kovacs

Filed order denying petition for rehearing.

DIVISION THREE

B145695 Lauren Babette Singer (Not for Publication)
 v.
 Ruth Singer

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B152924 Los Angeles County, D.C.S. (Not for Publication)
v.
Anastacia D., et al.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B146155 Pacific Coast Homeowners, et al.
v.
J. Paul Getty Trust and the City of Los Angeles

Filed order vacating submission order of April 16, 2002. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FOUR

B132915 People (Not for Publication)
v.
Park et al.

Appellants' sentences are reversed and the matter is remanded for resentencing in accordance with the views expressed in this opinion. The judgments in all other respects are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B155451 People (Not for Publication)
v.
Conner

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B156838 People (Not for Publication)
v.
Cuellar

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B153014 Los Angeles County, D.C.S. (Not for Publication)
v.
Lisa G.

The court's order denying the section 388 petition and terminating parental rights are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B154446 People (Not for Publication)
v.
Brandon S.

For the foregoing reasons, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B153626 Ferrell (Not for Publication)
v.
Farias

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B150642 Jacobs et al. (Not for Publication)
v.
Smith

The orders of the probate court are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B145679 Johnson (Not for Publication)

V.

City of Long Beach, et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B150138 Los Angeles County, D.C.S. (Not for Publication)

V.

Manuel E.

The orders of the juvenile court setting the section 366.26 hearing and terminating his parental rights are reversed, and the matter is remanded with directions to the juvenile court to vacate these orders; to determine whether Augustina has denied Manuel his visitation rights; and if so, to permit Manuel an adequate opportunity to exercise these rights before ruling on DCFS's recommendations regarding adoption.

Curry, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

Correction to the minutes of Division Four for July 25, 2002. The previous entry reflected the incorrect case number. The entry should read as follows:

B153812 Riley, et al. (Certified for Publication)

V.

Hilton Hotels Corporation, et al.

The judgment is reversed. The cause is remanded to the trial court for further proceedings. Plaintiffs are to have their costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

DIVISION FIVE

B153290 Khybrette Neal (Certified for Publication)
 v.
 Health Net, Inc. et al.

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Mosk, J.

DIVISION SIX

B154292 People (Not for Publication)
 v.
 Potts

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

DIVISION SEVEN

B153244 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Renee S.,
 In re Keko S.,

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Perluss, J.

DIVISION SEVEN (Continued)

B147804 Judy Clair Rosen et al. (Not for Publication)
 v.
 Davis & Drum et al.

The punitive damage award is reversed. In all other respects, the judgment is affirmed. Each party shall bear his or her own costs on appeal.

Perluss, J.

I concur: Lillie, P.J.
I dissent: Johnson, J. (Opinion)

B149088 Frank Julian et al. (Certified for Publication)
 v.
 Hartford Underwriters Ins. Co.

The judgment in Hartford's favor on all causes of action is affirmed. The parties shall bear their own costs on appeal.

Perluss, J.

I concur: Lillie, P.J.
I dissent: Johnson, J. (Opinion)

B152731 People (Certified for Partial Publication)
 v.
 Bryant D. Griffin

The conviction and sentence imposed on count 16 for forcible rape in violation of section 261, subdivision (a)(2) is reversed. In all other respects the judgment is affirmed.

Johnson, J.

I concur: Lillie, P.J.
I dissent: Perluss, J. (Opinion)

DIVISION SEVEN (Continued)

B145698 Moreno
 v.
 Kruger

Filed order vacating submission order of May 2, 2002. Munoz, J. (assigned) has recused himself. Presiding Justice Lillie to participate by listening to audiotape of oral argument. Parties have waived reargument before reconstituted panel. Cause resubmitted.

DIVISION EIGHT

Court convened at 9:00 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

Each of the following:

B152284 People v. Toles
B151106 People v. Mendoza
B151423 People v. Walton
B151919 People v. Shinti
B153419 Abagat et al., v. Ramirez et al.,
B153597 Sanes v. Comarco, Inc.
B154684 DCFS v. Dave K.
B158403 Anita H. v. S.C.L.A.

Argument waived, cause submitted.

B152491 People
 v.
 Chavez

Merits:
Argued by Edward A. Rucker for appellant and by April Rylaarsdam, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B151693 Barry M. Gold & Company
 v.
 Lockton Insurance Brokers, Inc.

Merits:
Argued by Karin R. Leavitt for appellant and by Neil Martin for respondent. Cause submitted.

B146106 Abbassi
 v.
 Regents Of The University Of California

Merits:
Argued by Joseph L. Lisoni for appellant and by Barbara W. Ravitz for respondent. Cause submitted.

B151693 Barry M. Gold & Company
 v.
 Lockton Insurance Brokers, Inc.

Merits:
Argued by Karin R. Leavitt for appellant and by Neil Martin for respondent. Cause submitted.

B145576 Bakshi
 v.
 State Fund

Merits:
Argued by Alfred Bakshi, appellant in propria persona and by Isabel Lallana for respondent. Cause argued, submission deferred. Parties to file additional briefing within 10 days. Matter to be submitted upon filing of the supplemental briefs.

DIVISION EIGHT (Continued)

B156805 Peck/Jones Construction Corporation et al.
 v.
 Superior Court, Los Angeles County
 (Hernandez et al., r.p.i.)

Merits:

Argued by Rosemary Springer for petitioners and by Richard G. Barone for real parties in interest. Cause submitted.

Court recessed at 11:00 A.M.

Court reconvened at 11:07 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Connie Hon, Deputy Clerk.

B149655 Badgerow
 v.
 City of Los Angeles
 Fitzsimons

Merits:

Argued by Ronald G. Parker for appellant and by Blithe Bock, Deputy City Attorney and Russell J. Cole for respondents. Cause submitted.

Court recessed at 11:39 A.M.

Court reconvened at 1:01 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B153273 People
 v.
 Guzman

Merits:

Argued by David H. Goodwin for appellant and by Ana R. Duarte, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B148759 People
 v.
 Fecht

Merits:

Argued by Tracy Dressner for appellant and by Rama R. Maline, Deputy Attorney General for respondent. Cause submitted.

B148123 First Bank & Trust
 v.
 Rothman
 Florence

Merits:

Argued by James Hodges for appellant and respondent Rothman, by Arthur Cohen for respondent and appellant First Bank & Trust and by Dilip Vithlani for respondent Suzanne Florence. Cause submitted.

B154672 L.A. County Association of Environmental Health Specialists et al.
 v.
 County Of Los Angeles

Merits:

Argued by Anthony Segall for appellants and there being no appearance by counsel for respondent. Cause submitted.

B152244 Markey
 v.
 Jonathan Club

Merits:

Argued by Gary I. Adler for appellant and by John R. Shiner for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B153728 Francis et al.
v.
Carpenter et al.

Merits:

Argued by Steven Kleifield for appellants and by Thomas A. Kearney for respondents. Cause submitted.

Court recessed at 2:53 P.M.

Court reconvened at 3:05 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B157433 Ruiz v. Sylva
B157803 Robles et al. v. Avalos

Merits:

Argued by Edward J. Horowitz and Mitchell Tilner for appellants, by Stephen Kaufman and Donald Johnson for respondents and by Susan R. Oie, Deputy Attorney General for amicus curiae. Cause submitted.

B153404 Samuel
v.
Esensten

Oral argument continued to September 26, 2002 at 9:00 a.m.

B157179 Cisneros
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Oral argument continued to September 26, 2002 at 9:00 a.m.

B152524 Papazian
v.
Air Canada

Oral argument continued to September 26, 2002 at 1:00 p.m.

Court Adjourned at 4:27 P.M.

DIVISION EIGHT (Continued)

B148993 People (Not for Publication)
v.
Santos et al.

The judgment is affirmed as to appellant Santos. With respect to appellant Griffin, the judgment is modified to reflect that the one-year sentencing enhancement was imposed pursuant to Penal Code section 12022, subdivision (a)(1), rather than section 12022.1. As modified, the judgment against Griffin is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B156973 People (Not for Publication)
v.
Alex C.,
In re Alex C., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B149734 People (Not for Publication)
v.
Suen

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

[illegible]

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B154657 Los Angeles County, D.C.S. (Not for Publication)
v.
Los Angeles County Department Of Children And Family Services,
Udell C.

The order of the juvenile court terminating the parental rights of Udell is reversed. The matter is remanded to the juvenile court for compliance with the notice requirements of the ICWA. If, after receiving notice under the ICWA, no tribe indicates that Kedale is an Indian child within the meaning of the Act, the juvenile court may reinstate the order terminating parental rights.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B154014 Los Angeles County, D.C.S.
v.
Carlos U.

Filed order modifying opinion. (No change in the judgment)

Add to the minutes for June 17, 2002:

B147408 Stroock & Stroock & Lavan
v.
Tendler

Filed order granting petition for rehearing. Cause resubmitted.